

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:19-cr-00167

WILLIAM ANTHONY SPARKS

MEMORANDUM OPINION AND ORDER

Pending before the court is the defendant's Motion to Continue Trial. (ECF No. 44.) Defendant requests a continuance of sixty (60) days. (Id.) In support of his motion, counsel for the defendant notes that she intends to file a pretrial motion shortly which will likely require briefing by both parties, and, if granted, would obviate the need for a trial. (Id.) Lead counsel also states that she is pregnant and will very likely go into labor shortly. (Id.)

The government does not oppose the continuance, and counsel for defendant has discussed the continuance with defendant and defendant agrees it is needed. (Id.) For good cause shown, the defendant's motion is **GRANTED**.

Because failure to grant the requested continuance would likely result in a miscarriage of justice, the court finds that the ends of justice outweigh the best interest of the defendant and the public in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A), and **GRANTS** the defendant's motion to continue. In granting defendant's motion, the court considered the factors outlined in

18 U.S.C. § 3161(h) (7) (B) and finds that denying the motion would deny defendant continuity of counsel and, therefore, "would be likely to make a continuation of such proceeding impossible, or result in a miscarriage of justice." Id. § 3161(h) (7) (B) (i).

Accordingly, the court hereby **ORDERS** as follows:

- I. Pretrial Motions are due by **April 27, 2020.**
- II. A Pretrial Motions Hearing is scheduled for **1:30 p.m. on May 4, 2020, in Charleston;**
- III. Jury Instructions and Proposed Voir Dire are due to the court by **May 13, 2020;**
- IV. Trial of this action is continued until **9:30 a.m. on May 20, 2020, in Charleston;**

Pursuant to 18 U.S.C. § 3161(h) (7) (A), the time from the filing of the motion until the trial is excludable for purposes of the Speedy Trial Act.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to all counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

IT IS SO ORDERED this 6th day of March, 2020.

ENTER:



David A. Faber
Senior United States District Judge